

LEW BRANDON, JR., ESQ.

Nevada Bar No.: 5880

MORAN LAW FIRM, LLC

630 S. Fourth Street

Las Vegas, Nevada 89101

(702) 384-8424

(702) 384-6568 - *facsimile*

l.brandon@moranlawfirm.com

Attorney for Defendant,

NEW ALBERTSONS, INC., a Delaware corporation

WILLIAM K. ERRICO, ESQ.

Nevada Bar No. 6633

WILLIAM ERRICO & ASSOCIATES

2520 South Saint Rose Parkway, Suite 111

Henderson, Nevada 89074

erricoesq@aol.com

Attorney for Plaintiff,

CAROLYN BLACKMON

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CAROLYN BLACKMON, an
individual,

Plaintiff,

v.

NEW ALBERTSON'S, INC, a
Delaware Corporation, erroneously
named as ALBERTSON'S, LLC, a
foreign limited liability company;
ALBERTSON'S HOLDINGS, LLC, a
foreign limited liability company;
DOES I through X, and ROE
COMPANIES XI through XX,
inclusive,

Defendants.

CASE NO.: 2:10-cv-00712-KJD-PAL

INTERIM STATUS REPORT
(pursuant to LR 26-3) and JOINT
REQUEST TO EXTEND
DISCOVERY DEADLINES (FIRST
REQUEST)

Plaintiff, CAROLYN BLACKMON, and Defendant, NEW ALBERTSON'S,
INC. d/b/a ALBERTSON'S, by and through their undersigned counsel, submit to the



MORAN LAW FIRM, LLC
MORAN BRANDON BENDAVID MORAN
ATTORNEYS AT LAW

630 SOUTH 4TH STREET
LAS VEGAS, NEVADA 89101
PHONE: (702) 384-8424
FAX: (702) 384-6568

1 Court its Interim Status Report pursuant to LR 26-3 and Joint Request to Extend
2 Discovery Deadlines, pursuant to LR 26-4, and for cause state:

3 **I. Local Rule 6-1**

4 Under LR 6-1(b) every stipulation to extend time must inform the court of
5 any previous extensions granted and state the reason for the extension requested.
6

7 **A. The Requirement of Local Rule 6-1 Are Satisfied**

8 This is the first request for extension filed by the parties.

9 **II. Local Rule 26-4**

10 Under LR 26-4, an application to extend any date set by the discovery plan
11 must be received no later than 20 days before the discovery cut-off date or any
12 extension thereof. Further, a request to extend any date set by a discovery plan must
13 be supported by a showing of good cause.
14

15 **A. The Time Requirements of Local rule 26-4 Are Satisfied**

16 The current discovery cut-off date is November 12, 2010. This stipulation is
17 being filed on September 13, 2010. Therefore, the twenty (20) day requirement for
18 requesting an extension under LR 26-4 is satisfied.
19

20 **B. There is Good Cause for the Extension**

21 Plaintiff filed her original Complaint on March 31, 2010. Plaintiff filed her
22 First Amended Complaint on April 26, 2010, prior to serving Defendant with the
23 original Complaint. Accordingly, Plaintiff was not required to file any motions
24 requesting permission to amend her original Complaint.
25

26 On May 17, 2010, Defendant, New Albertsons, Inc. filed and served its
27 Notice of Removal pursuant to 28 U.S.C. § 1441. Accordingly, Defendant filed the
28



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1 Notice of Removal within 30 days of service of the Amended Complaint. Also, on
 2 May 17, 2010, Defendant, New Albertsons, Inc. filed its Notice of Removal of
 3 Action to U.S. District Court with the Eighth Judicial District Court in Clark County,
 4 Nevada.

5
 6 The parties participated in a Rule 26(f) conference on July 6, 2010. The
 7 Parties exchanged their initial disclosures on or about June 30, 2010. On June 17,
 8 2010, the parties submitted their proposed Stipulated Discovery Plan and Scheduling
 9 Order.

10 This case concerns a trip and fall in an Albertson's Store on September 19,
 11 2008. Plaintiff was arguably disabled prior to the time of incident. Plaintiff had
 12 previously sought medical treatment for a 2004 Motor Vehicle Accident, and
 13 Plaintiff had two (2) subsequent falls with some of the medical providers still
 14 undetermined. Defendant has sought out in excess of twenty (20) subpoenas to
 15 potential providers in attempt to verify Plaintiff's medical specials. Plaintiff has a
 16 complex medical history with cervical, lumbar, thoracic, shoulders, arms, legs, and
 17 hips with in excess of twenty-five (25) providers (orthopedic, neurology, pain
 18 management, internal medicine, radiology, etc.).

21 **C. In Accordance with the Requirements of LR 26-4, the Parties Set**
 22 **Forth the Following with Regards to their Request to Extend the**
 23 **Discovery Deadlines**

24 **Proposed Schedule:**

- 25 1. Close of Discovery: February 14, 2011
- 26 2. Final Date to Amend Pleadings: N/A (past)
- 27 3. Final Date for Expert Disclosure: December 13, 2010



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4. Final Date for Rebuttal Expert Disclosure: January 13, 2011
5. First Interim Status Report Due: July 6, 2010 (past)
6. Second Interim Status Report Due: N/A
7. Final Date to File Dispositive Motions: March 14, 2011
8. Pre-Trial Order Deadline: April 14, 2011
9. Settlement Conference: N/A.
10. Calendar Call: N/A
11. Trial: N/A

Schedule Currently in Effect:

1. Close of Discovery: November 12, 2010
2. Final Date to Amend Pleadings: August 13, 2010
3. Final Date for Expert Disclosure: September 13, 2010
4. Final Date for Rebuttal Expert Disclosure: October 13, 2010
5. First Interim Status Report Due: July 6, 2010
6. Second Interim Status Report Due: September 13, 2010
7. Final Date to File Dispositive Motions: December 13, 2010
8. Pre-Trial Order Deadline: January 12, 2011
9. Settlement Conference: N/A.
10. Calendar Call: N/A.
11. Trial: N/A.

Discovery Completed:

The parties have exchanged disclosures required by Fed. R. Civ. P. 26(a) (1) and multiple supplements have been served. The parties have exchanged written



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1 discovery and responses. Some subpoenas have been issued and some of the records
2 received. Additional records were sought from the interrogatory responses in
3 Plaintiff's Interrogatory responses. The issuance of the subpoenas were delayed
4 because the HIPPA compliant medical authorization needed to be executed that was
5 attached to Plaintiff's response to the Request for Production of Documents. Some
6 of these records have not been received as of yet.
7

8 **Discovery Remaining to be Completed:**

9 Plaintiff and factual witness depositions are being scheduled. Approximately
10 seven (7) of Plaintiff's current medical providers need to be deposed, as well as at
11 least five (5) of her pre-accident doctors depositions need to be deposed. Plaintiff's
12 multiple medical IME's needs to be conducted and mutual liability Experts need to
13 be disclosed and deposed. Additional subpoenas have been issued and those records
14 have not received.
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1 Therefore, good cause existing, counsel jointly request that this Honorable
2 Court allow them an additional ninety (90) days to complete discovery with the other
3 matter outlined in the Court's Scheduling Order

4 DATED this 13th day of September, 2010.
5

6 **WILLIAM ERRICO &**
7 **ASSOCIATES**

MORAN LAW FIRM, LLC

8
9 /s/ William K. Errico, Esq.
10 **WILLIAM K. ERRICO, ESQ.**
11 Nevada Bar No. 6633
12 2520 South Saint Rose Parkway,
13 Suite 111
14 Henderson, Nevada 89074
15 *erricoesq@aol.com*
16 Attorney for Plaintiff,
17 CAROLYN BLACKMON

/s/ Lew Brandon, Jr., Esq.
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
630 S. Fourth Street
Las Vegas, Nevada 89101
l.brandon@moranlawfirm.com
Attorney for Defendant,
NEW ALBERTSONS, INC.

18 IT IS SO ORDERED.
19
20

21 _____
22 U.S. Magistrate Judge

23 Dated: _____
24
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